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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91218760
Party	Defendant CHD Bioscience, Inc.
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Submission	Motion to Consolidate
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Date	11/18/2014
Attachments	CHD-2611.1 Motion to Consolidate.pdf(67134 bytes)

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Vertex Pharmaceuticals
Incorporated,

Opposer,

v.

CHD Bioscience, Inc.,

Applicant.

Serial No.: 86/073,577

Mark: VERIOX

Opposition No.: 91218760

Serial No.: 85/887,894

Mark: VERIOX

Opposition No.: 91215035

Date: November 13, 2014

APPLICANT'S MOTION TO CONSOLIDATE PROCEEDINGS

Pursuant to Fed. R. Civ. P. §42(a), Applicant CHD Bioscience ("Applicant"), moves to consolidate the subject opposition proceedings in the interest of judicial and pecuniary economy. The proceedings involve parallel parties, identical marks, and common issues of fact and law. *See World Hockey Assn'n v. Tudor Metal Products Corp.*, 185 USPQ 246, 284 (TTAB 1975) (oppositions involving similar marks and similar issues consolidated); *Federated Department Stores, Inc v. Gold Circle Insurance Co.*, 226 USPQ 262, 263 (TTAB 1985) (consolidating permitted; issues of fact and law substantially similar). For example, Applicant's affirmative defenses and counterclaims for cancellation and fraud filed in the respective Answers to Notice of Opposition are nearly identical.

* * *

Certificate of Service and Mailing

I hereby certify that this correspondence is being filed online via ESTTA to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on November 18, 2014.

November 18, 2014
Date of Signature
3398971-1

s/Max S. Morgan
Max S. Morgan

TRADEMARK
Opposition No. 91218760

Insofar as consolidation of the cases does not result in the cases losing their separate identities, any remaining issues unique to each proceeding may still be addressed and separate judgments entered for each case. Trademark Trial and Appeal Board Manual of Procedure (“TBMP”) § 511.

Therefore, Applicant respectfully requests an Order granting consolidation of the proceedings.

No fees are believed due. Please apply any charges or credits to Deposit Account No. 22-0493.

Respectfully submitted,

CHD BIOSCIENCE, INC.

By: s/Max S. Morgan
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Motion to Consolidate the Proceedings is being served via the U.S. Postal Service as First Class Mail in an envelope addressed to:

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Date: November 18, 2014

s/Max S. Morgan